UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,615	08/20/2001	William J. Beyda	2001P15259US	6744

7590 01/12/2006

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER	
JUNTIMA, NITTAYA	

ART UNIT	PAPER NUMBER
2663	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/933,615	BEYDA, WILLIAM J.	
	Examiner	Art Unit	
	Nittaya Juntima	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 October 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed on 10/26/2005.

2. The objections to the drawings and claims are withdrawn in view of applicant's amendment.

3. Claims 1-18 are presently rejected under 35 U.S.C. 103(a).

Drawings

4. The drawings are objected to because in Fig. 5, reference numeral "100a" should be changed to "108a" in order to be consistent with Fig. 4 and the specification on page 7, lines 24-26.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claim 1 is objected to because of the following informalities:

- in claim 1, line 8, "if the local gatekeeper is unavailable" should be inserted following "gatekeeper" to put the claim in a better form because routing of a call request to the backup gatekeeper depends on a result of the router/proxy server's determination that the local gatekeeper is not available (in other words, routing of a call request to the backup gatekeeper will not happen if the local gatekeeper is available).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galasso et al. ("Galasso") (USPN 6,374,302 B1) in view of Shaffter et al. ("Shaffer") (USPN 6,973,027 B1).

Regarding claim 1, as shown in Fig. 2, Galasso teaches a VoIP telecommunications system, comprising:

A plurality of local VoIP networks (zones 100 and 200) serviced by local gatekeepers (zone gatekeepers). See col. 4, ll 41-49.

A backup gatekeeper (a master gatekeeper 310), said backup gatekeeper provides gatekeeper services to individual ones of said local VoIP networks if a local gatekeeper servicing one of said local VoIP networks is not available. See col. 4, ll 47-53 and col. 7, ll 17-26.

However, Galasso fails to teach that a router or proxy server determines if a local gatekeeper is available prior to routing a call request to the backup gatekeeper if the local gatekeeper is unavailable.

As shown in Fig. 3a, Shaffter teaches that a router or proxy server (proxy 110 run on router) determines if a local gatekeeper (gatekeeper 36a) is available prior to routing a call request (call request reads on a call control signal, col. 7, lines 37-41, col. 8, lines 26-30) to a backup gatekeeper (gatekeeper 36b) if the local gatekeeper is unavailable (gatekeeper 36a must determine whether gatekeeper 36a is available in order to appropriately forward the call control signal to the gatekeeper 36a or the backup gatekeeper 36b, see col. 10, lines 27-30 and col. 11, lines 11-22).

Given the teaching of Shaffer, it would have been obvious to one skilled in the art at the time of the invention was made to modify the teaching of Galasso to include that a router or proxy server determines if a local gatekeeper is available prior to routing a call request to the backup gatekeeper if the local gatekeeper is unavailable. The suggest/motivation to do so would have been to enable the H.323 devices to transparently switch over to a backup gatekeeper during an active call, while preserving the call as taught by Shaffer (col. 11, lines 27-31).

Regarding claims 2 and 15, Galasso teaches that said backup gatekeeper maintains local gatekeeper profiles (terminal address databases associated with zone gatekeepers, col. 4, ll 50-63) in a database (320, Fig. 1) and access one of said local profiles when a corresponding local

gatekeeper is unavailable (since each zone gatekeeper provides address translation for calls originated in that zone, col. 3, ll 28-31 and col. 4, ll 47-49, it is inherent that the master gatekeeper must access the terminal address database of the unavailable zone gatekeeper in order to function as a backup zone gatekeeper, col. 7, ll 17-26).

Regarding claims 3, 4, 16, and 17, as shown in Fig. 2, Galasso teaches a VoIP telecommunications system, comprising:

A plurality of local VoIP networks (zones 100 and 200) serviced by local gatekeepers (zone gatekeepers). See col. 4, ll 41-49.

A backup gatekeeper (a master gatekeeper 310), said backup gatekeeper provides gatekeeper services to individual ones of said local VoIP networks if a local gatekeeper servicing one of said local VoIP networks is not available. See col. 4, ll 47-53 and col. 7, ll 17-26.

Wherein said backup gatekeeper maintains local gatekeeper profiles (terminal address databases associated with zone gatekeepers, col. 4, ll 50-63) in a database (320, Fig. 1) and access one of said local profiles when a corresponding local gatekeeper is unavailable (since each zone gatekeeper provides address translation for calls originated in that zone, col. 3, ll 28-31 and col. 4, ll 47-49, it is inherent that the master gatekeeper must access the terminal address database of the unavailable zone gatekeeper in order to function as a backup zone gatekeeper, col. 7, ll 17-26).

However, Galasso fails to teach that a proxy server/one router directs call signaling to the local gatekeepers if the local gatekeepers are available and to the backup gatekeeper if the local gatekeepers are not.

As shown in Fig. 3a, Shaffter teaches that a router/proxy server (proxy 110 run on router)

directs call signaling (a call control signal that is passed through the proxy 110 to the gatekeeper 36a, col. 7, lines 37-41, col. 8, lines 26-30, and col. 10, lines 27-30) to a local gatekeeper (gatekeeper 36a) if the local gatekeeper is available and to the backup gatekeeper (gatekeeper 36b) if the local gatekeeper is not. See col. 10, lines 27-30 and col. 11, lines 11-22.

Given the teaching of Shaffer, it would have been obvious to one skilled in the art at the time of the invention was made to modify the teaching of Galasso to include the teaching of Shaffer such that a proxy server/one router would direct call signaling to the local gatekeepers if the local gatekeepers are available and to the backup gatekeeper if the local gatekeepers are not as recited in the claims. The suggest/motivation to do so would have been to enable the H.323 devices to transparently switch over to a backup gatekeeper during an active call, while preserving the call as taught by Shaffer (col. 11, lines 27-31).

Regarding claims 5 and 18, Galasso further teaches that said backup gatekeeper (master gatekeeper 310, Fig. 1) is provided by a Network Services Provider (since the master gatekeeper provides address translation service for VoIP call and is located in a physical location, i.e. an action control point 300, col. 4, ll 60-63, the master gatekeeper must be provided by a network services provider).

Regarding claim 6, as shown in Fig. 1, Galasso teaches a telecommunications gatekeeper (a master gatekeeper 310), comprising:

A control unit (a processor, col. 5, ll 37-40).

A plurality of local gatekeeper modules (terminal address databases associated with zone gatekeepers, col. 4, ll 50-63) corresponding to local gatekeepers (zone gatekeepers, col. 4, ll 47-49) associated with said telecommunications gatekeeper, wherein said control unit selects for

operation individual ones of said local gatekeeper modules when corresponding ones of said local gatekeepers are unavailable (since each zone gatekeeper provides address translation for calls originated in that zone, col. 3, ll 28-31 and col. 4, ll 47-49, it is inherent that the processor of the master gatekeeper must select ones of the terminal address databases of the unavailable zone gatekeepers in order to function as a backup zone gatekeeper, col. 5, ll 37-40 and col. 7, ll 17-26).

However, Galasso fails to explicitly teach that the unavailability of the corresponding ones of the local gatekeepers is reported by a router or proxy server.

As shown in Fig. 3a, Shaffter teaches that the unavailability of a local gatekeeper is reported by a router or proxy server (when the proxy 110 run on a router establishes a new signaling link 113 with gatekeeper 36b due to a failure of gatekeeper 36, col. 11, lines 11-22 and 27-31, therefore, the backup gatekeeper 36b must learn from the proxy 110 that the gatekeeper 36a has failed in order for the backup gatekeeper 36b to receive call control signal(s) from proxy 110 and provide backup services, e.g. features or services provided by gatekeeper 36a, see also col. 7, lines 37-41, col. 8, lines 27-30, col. 10, lines 27-30, 39-41).

Given the teaching of Shaffer, it would have been obvious to one skilled in the art at the time of the invention was made to modify the teaching of Galasso to include the teaching of Shaffer such that the unavailability of the corresponding ones of the local gatekeepers is reported by a router or proxy server as recited in the claim. The suggest/motivation to do so would have been to enable the H.323 devices to transparently switch over to a backup gatekeeper during an active call, while preserving the call as taught by Shaffer (col. 11, lines 27-31).

Regarding claim 7, as shown in Fig. 1, Galasso teaches a telecommunications system, comprising:

A plurality of voice over packet networks (zones 100 and 200), each of said voice over packet networks having an associated local gatekeeper (zone gatekeeper). See col. 4, ll 41-49.

A backup gatekeeper (a master gatekeeper 310) having a plurality of local gatekeeper modules (terminal address databases associated with zone gatekeepers, col. 4, ll 50-63) corresponding to local gatekeepers and selects for operation individual ones of said local gatekeeper modules when corresponding ones of said local gatekeepers are unavailable (since each zone gatekeeper provides address translation for calls originated in that zone, col. 3, ll 28-31 and col. 4, ll 47-49, it is inherent that the inherent control unit of the master gatekeeper must select ones of the terminal address databases of the unavailable zone gatekeepers in order to function as a backup zone gatekeeper, col. 7, ll 17-26).

However, Galasso fails to teach that a proxy or router is configured to determine if a corresponding one of the local gatekeepers is unavailable.

As shown in Fig. 3a, Shaffter teaches that a proxy or router is configured to determine if a local gatekeeper is unavailable (the proxy 110 run on a router detects the failure of gatekeeper 36, col. 11, lines 11-22).

Given the teaching of Shaffer, it would have been obvious to one skilled in the art at the time of the invention was made to modify the teaching of Galasso to include the teaching of Shaffer such that a proxy or router is configured to determine if a corresponding one of the local gatekeepers is unavailable as recited in the claim. The suggest/motivation to do so would have

been to enable the H.323 devices to transparently switch over to a backup gatekeeper during an active call, while preserving the call as taught by Shaffer (col. 11, lines 27-31).

Regarding claims 8-9 and 12-13, since Galasso teaches that that a master gatekeeper 310, Fig. 1 acts as a backup zone gatekeeper when one of zone gatekeepers is not available (col. 7, ll 17-26), and Fig. 1 shows that the master gatekeeper is located outside of zones 100 and 200 and not connected directly to terminals originating call requests, therefore, it is inherent that a device, e.g. proxy server/a router, must be included in order to route gatekeeper signaling to and from the backup gatekeeper (a master gatekeeper 310, Fig. 1) in response to determining that a local gatekeeper (zone gatekeeper) is not available.

Regarding claim 10, Galasso also teaches that the backup gatekeeper (a master gatekeeper 310, Fig. 10) is programmed to provide said local gatekeeper modules (terminal address databases associated with zone gatekeepers, col. 4, ll 50-63) for service (address translation service, col. 3, ll 28-31, col. 4, ll 47-49, and col. 7, ll 17-26) as a subscription service (address translation service provided by a zone gatekeeper/a backup zone gatekeeper, i.e. a master gatekeeper, must be a subscription service since the terminals have to be registered with the gatekeepers in order to have their information be stored in the database, col. 3, ll 28-31 and col. 4, ll 47-49), said backup gatekeeper (a master gatekeeper) provided at a location of a service provider (since the master gatekeeper provides address translation for VoIP call services and is located in an action control point 300, col. 4, ll 60-63, the master gatekeeper must be provider by a network services provider).

Regarding claim 11, Galasso teaches a method, comprising:

Monitoring whether a plurality of local gatekeepers (zone gatekeepers in zones 100 and 200, Fig. 1, col. 4, ll 47-49) are available (since a master gatekeeper may act as a backup zone gatekeeper for one or more zones, col. 7, ll 17-26, therefore, the step of monitoring whether the zone gatekeepers are available must be included).

Providing backup gatekeeper services from a backup gatekeeper (a master gatekeeper) if any of said local gatekeepers are determined to not be available (col. 4, ll 47-53 and col. 7, ll 17-26).

However, Galasso fails to teach that the unavailability of any of said local gatekeepers is determined by an associated proxy server or router.

As shown in Fig. 3a, Shaffter teaches that the unavailability of a local gatekeeper is determined by a proxy server or router (the proxy 110 run on a router detects the failure of gatekeeper 36, col. 11, lines 11-22).

Given the teaching of Shaffer, it would have been obvious to one skilled in the art at the time of the invention was made to modify the teaching of Galasso to include the teaching of Shaffer such that the unavailability of any of said local gatekeepers is determined by an associated proxy server or router as recited in the claim. The suggest/motivation to do so would have been to enable the H.323 devices to transparently switch over to a backup gatekeeper during an active call, while preserving the call as taught by Shaffer (col. 11, lines 27-31).

Regarding claim 14, as shown in Fig. 2, Galasso teaches a VoIP telecommunications system, comprising:

A plurality of local VoIP networks (zones 100 and 200) serviced by local gatekeepers (zone gatekeepers). See col. 4, ll 41-49.

A backup gatekeeper (a master gatekeeper 310), said backup gatekeeper provides gatekeeper services to individual ones of said local VoIP networks if a local gatekeeper servicing one of said local VoIP networks is not available. See col. 4, ll 47-53 and col. 7, ll 17-26.

However, Galasso fails to teach that a router or proxy server determines if a local gatekeeper is unavailable.

As shown in Fig. 3a, Shaffter teaches that a router or proxy server (proxy 110 run on router) determines if a local gatekeeper (gatekeeper 36a) is unavailable (gatekeeper 36a detects a failure of gatekeeper 36a, see col. 11, lines 11-22).

Given the teaching of Shaffer, it would have been obvious to one skilled in the art at the time of the invention was made to modify the teaching of Galasso to include that a router or proxy server determines if a local gatekeeper is unavailable. The suggest/motivation to do so would have been to enable the H.323 devices to transparently switch over to a backup gatekeeper during an active call, while preserving the call as taught by Shaffer (col. 11, lines 27-31).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 571-272-3120. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nittaya Juntima
January 9, 2006.

RICKY Q. NGO
SUPERVISORY PATENT EXAMINER